

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

STARBUCKS CORPORATION
Employer

and

Cases 01-RC-287618
01-RC-287639

WORKERS UNITED
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Elections is denied as it raises no substantial issues warranting review.¹

¹ In denying review, we find that this case is not materially distinguishable from *Starbucks Corporation*, 371 NLRB No. 71 (2022) (*Starbucks Mesa*). As we observed in *Starbucks Mesa*, the Employer bears a "heavy burden" in rebutting the presumption in favor of the petitioned-for single-store unit. *Id.*, slip op. at 1; see also *Mercy Sacramento Hospital*, 344 NLRB 790, 790 (2005) ("As the party opposing the single-facility unit, the [e]mployer has the heavy burden of overcoming the presumption.") (citations omitted).

We further find, with respect to interchange, that the statistics provided by the Employer here have the same shortcomings that we identified in *Starbucks Mesa*: they fail to establish *regular* interchange and demonstrate instead that interchange between the petitioned-for employees and other employees in District 3105 is limited and infrequent.

We agree with the Regional Director that the factor of uniform skills, functions, and working conditions is outweighed by other factors, most significantly the lack of significant interchange and the Store Manager's local autonomy over the personnel functions. We do not, however, rely on the Regional Director's finding that differences in job functions and working conditions within District 3105 outweigh the standardization of wages, benefits, and skills.

In denying review of the Regional Director's finding that the Employer has not met its burden to demonstrate the shift managers are statutory supervisors, we note that the Request for Review does not identify evidence demonstrating how the judgments shift managers make with respect to assignment, promotion, discipline, or hiring rise beyond the routine and clerical. We do not rely on the Regional Director's citation to *Alternate Concepts, Inc.*, 358 NLRB 292 (2012), a recess-Board decision. See *NLRB v. Noel Canning*, 573 U.S. 513 (2014). We further observe that *Regal Health & Rehab Center, Inc.*, 354 NLRB 466 (2009), was reaffirmed and incorporated by reference at 355 NLRB 352 (2010).

In denying review of the Regional Director's decision to provide three weeks for the return of ballots in the mail ballot election, we observe that any party is free to present evidence of any actual disenfranchisement of voters, if applicable, in postelection objections.

Dated, Washington, D.C., April 6, 2022.

MARVIN E. KAPLAN,	MEMBER
GWYNNE A. WILCOX,	MEMBER
DAVID M. PROUTY,	MEMBER